

THE HARMAN FIRM, LLP

Attorneys & Counselors At Law
www.theharmanfirm.com

October 13, 2016

Via ECF

Hon. Andrew L. Carter, Jr.
U.S. District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Hernandez, et al. v. The Fresh Diet, Inc., et al.*; 15 Civ. 1338

Dear Judge Carter:

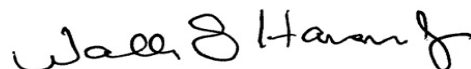
We represent Plaintiffs in the above-referenced action. We write to respectfully request that Docket Entry No. 82 be stricken and deleted from the docket and that Docket Entry No. 84 be accepted as timely filed *nunc pro tunc*.

Plaintiffs timely filed the Fourth Amended Complaint on October 10, 2016. The following day, October 11, 2016, Plaintiffs' counsel received an ECF bounce, stating that the filing was deficient because the wrong party/parties whom the pleading is against were selected. Plaintiffs' counsel attempted to contact the ECF help line multiple times on October 11, 2016, to ask how to correct the error, but were unable to reach the help line until the following day, October 12, 2016. When counsel spoke to the ECF help line, we were told that the problem was that Scher Zalman Duchman had not been selected as a defendant; rather, the party selected had been listed as Zaimi Duchman.

Once counsel learned of these errors and the mechanism to fix them, we filed Docket Entry No. 84, which is identical to Docket Entry No. 82 except that the selected parties were corrected. "Scher Zalman Duchman" has been created as a new party, and the party "Zaimi Duchman" has not been selected. Counsel has also created and selected "New Fresh Co., LLC" as a party.

Thank you for your time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: David Sack (via ECF)